

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BILLY REYNOLDS AND MARY REYNOLDS	§	
	§	C.A. NO. 1:18-cv-00065-MAC
V.	§	
	§	JURY DEMAND
DISH NETWORK	§	AFFIDAVIT SUPPORTING
	§	MOTION FOR SUMMARY
V.	§	JUDGMENT
	§	
ASSOCIATED INSTALLATION GROUP, INC.	§	

AFFIDAVIT

My name is Danny Parker. I am the owner of Associated Installation Group, Inc. ("Associated").

I am competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. My statements are based on personal knowledge.

I have owned Associated since its formation. I have worked in the satellite dish installation business for 18 years.

Associated installed the Dish Network satellite in a location on the Reynolds' house that permitted alignment with the satellites carrying the Dish Network signals. The Dish satellite system installed at the Reynold's property used, in part, wiring that had been installed by a prior satellite provider, Direct TV, which is a common practice in the satellite installation industry. Associated installed a Dish satellite on the eaves of the Reynolds' house by using a "J" hook. The satellite dish ran to a "splitter" that allowed the satellite signal to be split and serve two receivers on the Reynolds' property. None of the wiring used by Associated to install the satellite system on the Reynolds' property carried an electrical charge. The two receivers installed on the Reynolds' property were new and plugged into a standard 110-volt outlet. Dish supplied the receivers and the satellite dish. The two receivers were plugged in to existing electrical outlets on the Reynolds' property and connected by coaxial cable to existing non-energized satellite TV outlets. Associated simply plugged in the receivers, connected the coaxial cable, aligned the satellite dish, and adjusted the receivers to obtain the satellite signals for the programming ordered for the Reynolds' property.

In 18 years of installing satellite television systems, I have never experienced an explosion from the installation of a satellite system. I have no knowledge of any of the materials and products used in the installation of satellite systems presenting an explosion risk. I have never experienced

Danny Parker Affidavit for MSJ 1

a fire risk from the installation materials used to install satellite systems. Associated does not design, manufacture, or prepare the warnings for the satellite equipment it installed at the Reynolds' property. Associated did not modify or alter in any way the equipment it installed at the Reynolds' property or the warnings given with the equipment. Associated supplied the warnings that come with the Dish Network equipment to the Reynolds, when Associated installed the equipment.

I am the custodian or otherwise qualified person of the documents attached to and incorporated in this affidavit. The attached documents are kept by Associated in the regular course of business, and it was the regular course of business of Associated for an employee or representative of BBA, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original.

Signed this _____ day of _____, 2019.

Danny Parker

SWORN TO and SUBSCRIBED before me by Danny Parker on the _____ day of _____, 2019.

Notary Public in and for the
State of Texas

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BILLY REYNOLDS AND MARY REYNOLDS	§	
	§	C.A. NO. 1:18-cv-00065-MAC
V.	§	
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V.	§	JUDGMENT
	§	
ASSOCIATED INSTALLATION GROUP, INC.	§	

AFFIDAVIT

My name is M. Forest Nelson. I am legal counsel for Third-party defendant Associated Installation Group, Inc. in the captioned action.

I am competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. My statements are based on personal knowledge.

I am the custodian or otherwise qualified person of the documents attached to and incorporated in this affidavit. The attached documents are kept by Burt Barr & Associates, L.L.P. (BBA) in the regular course of business, and it was the regular course of business of BBA for an employee or representative of BBA, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original. The deposition testimony excerpts and deposition exhibit attached to and incorporated in this affidavit came from the deposition of Plaintiff Billy Reynolds, in this case. Billy Reynolds had the opportunity to read and review his deposition transcript. Billy Reynolds filed no errata sheets with the court reporter. The attached excerpts are true and correct copies of the testimony taken in this case. The attached Exhibit 12 is a true and correct copy of the layout of Billy Reynold's house that was drawn and annotated by Billy Reynolds during his deposition in this case.

Affiant says nothing further.
Signed this 25th day of February, 2019.

M. Forest Nelson

SWORN TO and SUBSCRIBED before me by M. Forest Nelson on the 25th day of February, 2019.

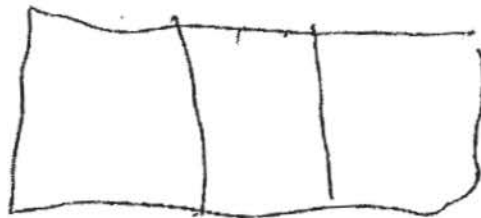
Notary Public in and for the
State of Texas

EXHIBIT 12
WIT: _____
DATE: _____
Ada V. Christy, CSR, RPR



Hand-drawn floor plan of a house. The plan is divided into several rooms and areas, labeled with dimensions and names:

- Top Left:** A room labeled 12×12 with a small square feature.
- Top Right:** A room labeled 12×12 .
- Middle Left:** A room labeled 12×24 containing a rectangle labeled "WOODSTOVE".
- Middle Right:** A room labeled 12×12 containing a rectangle labeled "BATH".
- Bottom Left:** A room labeled 12×12 containing a rectangle labeled "DISHBOX".
- Bottom Right:** A room labeled 12×12 .
- Central Corridor:** A narrow area between the rooms, containing a small square feature.



1 CAUSE NO. 14347
2
3 BILLY REYNOLDS AND MARY) IN THE DISTRICT COURT OF
4 REYNOLDS)
5)
6 Plaintiff)
7)
8 VS.) NEWTON COUNTY, TEXAS
9)
10 ASSOCIATED INSTALLATION)
11 GROUP, INC.)
12)
13 Defendant) 1ST JUDICIAL DISTRICT
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ORAL AND VIDEOTAPED DEPOSITION OF
BILLY REYNOLDS
DECEMBER 18, 2018

ORAL AND VIDEOTAPED DEPOSITION of BILLY REYNOLDS,
produced as a witness at the instance of Defendant, and
duly sworn, was taken in the above-styled and numbered
cause on Tuesday, December 18, 2018, from 10:01 a.m. to
2:21 p.m., before Ada V. Christy, CSR in and for the
State of Texas, recorded by machine shorthand, at the
offices of Jonathon Juhan, 985 I-10 North, Suite 100,
Beaumont, Texas, pursuant to the Texas Rules of Civil
Procedure and the provisions stated on the record or
attached hereto; signature having been waived.

1 deposition is being taken for both cases.

2 MR. BRAGG: Yes.

3 MR. NELSON: State case and -- let's see,
4 what county is it in?

5 MR. BRAGG: Newton County and federal.

6 MR. NELSON: Federal court, Houston
7 District of Texas, Beaumont Division. Agreed?

8 MR. BRAGG: Agreed.

9 MR. GIACCO: Agreed.

10 BILLY REYNOLDS,
11 having been duly sworn, testified as follows:

12 E X A M I N A T I O N

13 BY MR. NELSON:

14 Q. Mr. Reynolds, can you state your name.

15 A. Yes, sir. Billy Gene Reynolds.

16 Q. When were you born, Mr. Reynolds?

17 A. September 14th, 1962.

18 Q. Do you have family members that live up in
19 Newton County?

20 A. Yes, sir.

21 Q. And what are their last names?

22 A. Reynolds.

23 Q. Any other last names?

24 A. Got some Simmons there, Reynolds, Smith.

25 Q. I'm talking cousins. Also on your wife's side,

1 A. Yes, she did.

2 Q. At Newton --

3 A. Yes.

4 Q. -- school district? Okay. And just so you
5 know, I have a daughter with Downs Syndrome, so I have
6 experience with special education.

7 A. Oh, your daughter, huh? Mine, too.

8 Q. Let's talk about the house. When did you build
9 this house or at least when did you start building your
10 house, the one that burned down?

11 A. Well, I first had a trailer, and then 1996 one
12 of my real good friends, Jean Davis, Christian lady come
13 and said she was lead to give me a house. So she -- she
14 give me the house, and it was a mile away from where we
15 lived. And I went -- the church was going to -- I was
16 assistant co-pastor at AB -- Bush's church. And we --
17 we had looked at the house, and it was too good a house
18 to just tear down, he felt, to get it moved. So I
19 prayed and asked the Lord to -- if he would help me. So
20 I went to the bank to get the money. And I was already
21 in such debt, the bank wouldn't let me have no money.
22 And so I -- I was upset, and I hit stairs, and I said:
23 "Lord, why didn't you help me?"

24 Q. So you've got two acres of lands; correct?

25 A. Yeah.

1 Q. Did you buy the land yourself? Did you pay for
2 it?

3 A. Yes, I did.

4 Q. All right. So you bought the land. You moved
5 a trailer on it. And then this lady --

6 A. Give me a house.

7 Q. Give you a house. And then you basically
8 eventually made the arrangements and got it moved;
9 correct?

10 A. And I moved it; yes, sir.

11 Q. All right. And at the time you moved the
12 house, I assume you already had a septic on the land --
13 a septic?

14 A. A septic, yes.

15 Q. All right. So you already had a septic tank.
16 Did you have a water well?

17 A. Yes.

18 Q. And you already had electricity because you had
19 the trailer there; right?

20 A. Yes.

21 Q. Did you have a -- did you have a propane tank
22 on the property?

23 A. Yes, I did.

24 Q. Okay. So you got a trailer with a propane
25 tank, a well, a septic, and electricity?

1 A. Yes.

2 Q. And so you didn't get rid of the trailer, I
3 assume; you just put the house somewhere else on the two
4 acres; correct?

5 A. No. I sold the trailer.

6 Q. You sold the trailer. All right. So they
7 moved the trailer out, and they put the house in. How
8 big was the house, how many square feet?

9 A. The house, it was a 24-by-40, and I had put a
10 addition on the front of it, 12 by -- 12-by-24, and then
11 on the back put another addition, 12-by-24.

12 Q. These are porches; right? Are they enclosed,
13 these two additions or just opened?

14 A. No. No, they enclosed. They were -- well,
15 they were complete.

16 Q. Were they screened or were they wood all the
17 way around?

18 A. No. Half the front part, 12-by-12, was a
19 screened-in porch. Other side was a bedroom.

20 Q. All right. And this house was on piers; right?

21 A. Yes.

22 Q. So all you had to do was put some lumber down
23 and then put stuff on the side walls; correct?

24 A. Yes.

25 Q. Are you an electrician or plumber, anything

1 like that?

2 A. No.

3 Q. But you can do things yourself; you have some
4 do-it-yourself capabilities?

5 A. No. I upgraded it to a 200-amp and already
6 inspected it.

7 Q. Who put the electricity in?

8 A. The electricity was there.

9 Q. On the house?

10 A. Yes.

11 Q. And you just put a bigger box on the house?

12 A. Yes.

13 Q. And then you run the lines yourself around the
14 house; correct?

15 A. Yes.

16 Q. All right. So you put in the electricity
17 yourself. Did you do the plumbing yourself?

18 A. The plumbing? Yes.

19 Q. Right? So you did the plumbing also?

20 A. Yes.

21 Q. Put in a commode, tied the lines down, and you
22 hooked them to the other lines --

23 A. Yes.

24 Q. -- that ran to the septic; correct? So you did
25 the plumbing and you did the septic yourself. Did you

1 do the air conditioning?

2 A. The --

3 Q. What kind -- well, let me ask, what kind of air
4 conditioning did you have? Window units or --

5 A. I had two brand new ones.

6 Q. Window units?

7 A. Window units.

8 Q. All right. How did you heat the house?

9 A. I had a wood heater.

10 Q. When you say wood heater, can you describe it
11 for me.

12 A. Cast iron wood heater.

13 Q. Like a pot belly stove?

14 A. I guess. You know, it was, you know, 24 inches
15 long or maybe 30 inches long and about probably 15 to
16 16 inches wide.

17 Q. Did you have a stack that went through the
18 roof?

19 A. No, through the wall.

20 Q. Through the wall.

21 A. Through the wall.

22 Q. Okay. So you had a side stack that came out
23 the wall?

24 A. Yes.

25 Q. Was it set up like a fireplace?

1 tank, so LP had come got their tank.

2 Q. On the day of the fire --

3 A. We had it leased -- on the day of the fire, no,
4 we was electric.

5 Q. With the exception of the wood burning stove?

6 A. Except the wood burning stove.

7 Q. What temperature -- how cold does it have to
8 get before you'll use the wood stove?

9 A. The wood stove, probably -- probably 40 degrees
10 we build a little light fire, you know, in it.

11 Q. Would you clean out the stove --

12 A. Yes.

13 Q. -- regularly?

14 A. Yes.

15 Q. Was there a plug in the stove? A plug. Do you
16 have a plug or an ash bin or something like that in the
17 stove?

18 A. No. No, I had a heater shovel and a bucket;
19 and you had to scoop your ashes out, put it in the
20 bucket. It's basically similar to a fireplace.

21 Q. Did you have any kind of instructions that came
22 with this cast iron stove?

23 A. My mother and daddy raised us on it.

24 Q. And that's it?

25 A. I do -- yeah, we used it. I grewed up from a

1 A. Tin.

2 Q. Tin. You had a tin roof?

3 A. Tin.

4 Q. Corrugated?

5 A. Yeah.

6 Q. Now, did you have a barbecue pit or a grill,
7 anything like that at the house?

8 A. I had one out front in front of the house.

9 Q. How far from the house was it?

10 A. Probably 10 feet.

11 Q. Now, when was this house moved on to the -- on
12 your property? What year?

13 A. In '96, 1996.

14 Q. And it was donated to you, and you basically
15 had to pay for the cost to move?

16 A. To move it.

17 Q. And then did you do the hookup once it was
18 moved?

19 A. Yes, I did.

20 Q. Do you recall pulling any permits with the City
21 or getting any permits to hook the house up?

22 A. No. We never had to do that in the country
23 there.

24 Q. Okay. You had a friend who was an electrician
25 that helped you?

1 A. Yes, I do. He was an electrician worked at the
2 mill and -- and if I had hooked even a light up, that I
3 always called him, make sure I was doing it right.

4 Q. Have you ever had an experience with a fire
5 before?

6 A. No.

7 Q. This is the first time you've ever had any type
8 of fire damage?

9 A. First time.

10 Q. Only time?

11 A. Huh?

12 Q. Only time you had any fire damage since this
13 fire?

14 A. No.

15 Q. This fire was on February 26th, 2016; correct?

16 A. Uh-huh.

17 Q. You have to answer yes or no.

18 A. Yes, sir.

19 Q. Okay. Now, how many people were at the house
20 that day when the fire occurred February 26th?

21 A. Me and my wife and my mother-in-law. She was
22 there. Annie Westbrook. That was Wally's mother.

23 Q. Who is Wally?

24 A. Wally Westbrook, my son-in-law.

25 Q. Now, who lives in your house, actually lives

1 with you on the 22nd of February?

2 A. The 22nd?

3 Q. The 26th, the day of the fire.

4 A. My mother-in-law was there, living there and --
5 and Annie Westbrook, Wally Westbrook's mother was living
6 there.

7 Q. And you and your wife?

8 A. And my son-in-law and my daughter was there.

9 Q. They lived there also?

10 A. Yeah.

11 Q. So there were six of you living in the house?

12 A. Yes and --

13 Q. Husband, your wife, mother-in-law?

14 A. And my mother-in-law's boyfriend, he was there.

15 Mark Young.

16 Q. So now you're talking about seven people living
17 there?

18 A. I think so. I believe.

19 Q. Now, does your daughter and her husband have
20 their own house now, a trailer?

21 A. No.

22 Q. Where do they live?

23 A. No, they was staying with us at --

24 Q. Where do they live today?

25 A. Oh, well, they're staying in the old church

1 that we're staying in.

2 Q. What church are y'all staying in?

3 A. The old one I used to pastor there.

4 Q. In the country?

5 A. Yes. In the country.

6 Q. What's the name of it?

7 A. Nations House of Prayer Church.

8 Q. And it's got bathrooms and --

9 A. Yes.

10 Q. -- water?

11 A. Yes.

12 Q. Have a kitchen?

13 A. Yes.

14 Q. How big's the church?

15 A. It's 20 -- 24-by-40.

16 Q. Does anybody else use the church or just --
17 just your family and your daughter's family?

18 A. Yes.

19 Q. Just the four of y'all?

20 A. Yes.

21 Q. Nobody else is in the church?

22 A. No.

23 Q. Who owns the church?

24 A. I do.

25 Q. Did you pay for the church?

1 A. Yes.

2 Q. But you had Dish Network in the past; correct?

3 A. No, my daughter did, I believe.

4 Q. At that house?

5 A. I believe so.

6 Q. Your daughter had Dish Network at the house
7 that burned on February 26th; correct?

8 A. They had Direct TV -- Direct TV there.

9 Q. So they already had -- they'd already put a
10 satellite system in the house before the 26th?

11 A. Yes.

12 Q. And on the 26th you called and asked -- or
13 maybe before the 26th, but you called and arranged for
14 Dish Network to come out and be installed; correct?

15 A. No.

16 Q. Who made that arrangement?

17 A. Mark Young.

18 Q. And Mark Young is the boyfriend of your
19 daughter's husband?

20 A. Uh-huh.

21 Q. All right. Now, they were going to get it
22 installed in the room they were sleeping in?

23 A. In -- in my son-in-law's room where they put
24 it.

25 Q. So Mark Young -- your son-in-law and daughter

1 slept in the same bedroom with her mother and her
2 mother's boyfriend?

3 A. No.

4 Q. Her mother and her mother's boyfriend were in
5 another room?

6 A. Yes.

7 Q. But they were -- were they going to have Dish
8 Network for more than one room or just one room?

9 A. They had it in the living room and that bedroom
10 there.

11 Q. How old is Mr. Young?

12 A. Mr. Young? About 52, maybe. I don't know.

13 Q. Now does Mr. Young live in the church?

14 A. No.

15 Q. Just you and your wife, your daughter and her
16 husband, the four of you?

17 A. Yes.

18 Q. And does your daughter have any children?

19 A. No.

20 Q. All right. So was Mr. Young, he was the one
21 made the arrangements to put the Dish Network in;

22 correct?

23 A. Mr. Young.

24 Q. Was Dish Network going to be in his name? Was
25 he going to pay the bill?

1 A. Yes, it was in his name.

2 Q. Who was there when the Dish Network was
3 installed?

4 A. Me and my wife and my mother-in-law and Annie
5 Westbrook, just the four of us in the house.

6 Q. Anybody out in the yard?

7 A. Yes. The rest of them was playing horseshoes
8 in the yard, my daughter and son-in-law.

9 Q. Who called --

10 A. And Dekota Westbrook. He was --

11 Q. Who's Dekota Westbrook?

12 A. -- there playing horseshoes in the yard.
13 That's Wally's son.

14 Q. Wally --

15 A. -- Westbrook's son.

16 Q. -- Westbrook's son. How old is Dekota?

17 A. I don't really know. I know he -- he's around
18 30, maybe. I don't know.

19 Q. All right. How many people came out to install
20 the satellite system dish? One? Two?

21 A. There was one man there.

22 Q. One man.

23 A. I seen.

24 Q. He came out in a truck that had a sign that
25 said Dish Network; correct?

1 A. He was in a truck.

2 Q. A van or --

3 A. All I know where a bunch of dish -- dish
4 equipment on it.

5 Q. Did you talk to the gentleman who came out to
6 install the satellite system?

7 A. No, I seen him.

8 Q. Who talked to the gentleman from the
9 installation company?

10 A. I guess my son-in-law, Mark Young.

11 Q. So Mark Young and Mr. Westbrook?

12 A. Yeah.

13 Q. So Mr. Young and Mr. Westbrook were talking to
14 the installation company. Were they the ones who told
15 the gentleman from the installation company where to
16 install the two receivers?

17 A. Yes.

18 Q. And did you see the gentleman from the
19 satellite company tell them that I'm not going to put it
20 here; you have to put it here. Did you see anything
21 like that?

22 A. No.

23 Q. So I take it from -- from what happened was
24 Mr. Young and Mr. Westbrook basically said we want the
25 two receivers in these two rooms; correct? Correct?

1 Q. Mr. Young or Mr. Westbrook did all that?

2 A. Yes.

3 Q. Now, was it also Mr. Young and Mr. Westbrook
4 that told the installation guy: This is where we want
5 you to route it?

6 A. No.

7 Q. Where did they put the satellite dish, where it
8 was installed?

9 A. On the wall.

10 Q. On the outside?

11 A. On the outside of the wall.

12 Q. Did you tell the installation man that you
13 didn't want it in that location?

14 A. No.

15 Q. You had no problems with where the installation
16 man installed the satellite dish, did you?

17 A. No.

18 Q. You didn't tell him you had any problems, did
19 you?

20 A. No.

21 Q. And you didn't tell him you had any problems
22 with him putting the receivers where he put the
23 receivers; correct?

24 A. No.

25 Q. You didn't tell the installation man don't run

1 Mr. Westbrook or Mr. Young telling the installation man
2 I want you to do it this way or that way? Did you see
3 anything like that?

4 A. No.

5 Q. So did you see the installation man put the
6 satellite -- the satellite receiver on the outside of
7 the house? Did you see him do that? Did you see him
8 put the satellite receiver on the outside of your house?

9 A. On the outside?

10 Q. Yeah, you told me that the installation man put
11 the --

12 A. The dish.

13 Q. -- the dish on the outside.

14 A. He put the dish out there.

15 Q. Okay.

16 A. And the receiver was in the bedroom.

17 Q. Did you see the gentleman from the installation
18 company run the wire?

19 A. No.

20 Q. Was there anybody that was walking with the
21 installation man while he was putting the wire in the
22 house?

23 A. My son-in-law.

24 Q. Did your son-in-law either before, during, or
25 after the installation say there were any problems with

1 the way that the installation man installed the wiring?

2 A. No.

3 Q. Did your son-in-law or Mr. Young tell you that
4 the installation man didn't run the wiring like we told
5 him to?

6 A. No.

7 Q. You never heard -- I assume Mr. Young didn't
8 criticize the installation either; correct?

9 A. I don't know. I wasn't there. I just had come
10 in and seen the man standing in front of the TV.

11 Q. I'm talking about even after the installation.
12 Did Mr. Young or Mr. Westbrook at any time tell you that
13 they thought the installation had been wired improperly?

14 A. No.

15 Q. Did Mr. Young or Mr. Westbrook ever tell you at
16 any time that the person who installed the dish had put
17 the dish in incorrectly?

18 A. No.

19 Q. Did Mr. Young or Mr. Westbrook ever tell you
20 that they believe that the person who installed the
21 receiver, the installation man, improperly installed the
22 receivers in the house?

23 A. No.

24 Q. Did you see Mr. Young or Mr. Westbrook talk to
25 the gentleman who was installing the dish and receivers

1 and running the wires?

2 A. No.

3 Q. And during all this time during the
4 installation where were you located?

5 A. Do what?

6 Q. Where were you situated on the -- in the house
7 during this installation?

8 A. I was --

9 Q. Were you in the house during the installation
10 or outside the house?

11 A. Oh, well, he -- well, he had already put the
12 cable in there, I guess. He was standing in front of
13 the TV, the dish -- the Dish Network technician was
14 standing in front of the TV.

15 Q. Were you there when the man pulled up in the
16 Dish Network truck?

17 A. No. I -- I pulled up, and he was sitting in
18 the driveway. And -- and me and her got out, went in
19 the house, and he was standing in front of the TV.

20 Q. So the whole installation had been done before
21 you even got there; correct? The dish man had already
22 put in the dish by the time --

23 A. Yeah.

24 Q. -- you got there?

25 A. Yeah. Well, he was trying to push the buttons

1 on the remote control standing in front of the TV.

2 Q. So the cables had all been run before you got
3 there?

4 A. Yeah.

5 Q. The receivers had been put in the house before
6 you got there?

7 A. Yes.

8 Q. The dish had been installed on the outside of
9 your house before you got there?

10 A. Yes.

11 Q. And once you got there, did you talk to
12 Mr. Young and Mr. Westbrook about the installation at
13 all?

14 A. No.

15 Q. Did you ever talk to Mr. Young or Mr. Westbrook
16 after the fire about the installation?

17 A. After the fire? No.

18 Q. Did you talk to them?

19 A. No.

20 Q. So the only two people that know -- the only
21 two people who were in the house that know about the
22 installation would be Mr. Westbrook and Mr. Young;
23 correct?

24 A. I imagine. They --

25 Q. Do you have anything to believe that your

1 A. No.

2 Q. Did your mother-in-law talk to the installation
3 man? Do you know that --

4 A. I don't know.

5 Q. -- whether she did? But you know that
6 Mr. Young and Mr. Westbrook did; correct? Mr. Young and
7 Mr. Westbrook did talk to the installation man; correct?

8 A. They had to talk to him to get him in there to
9 put it in there.

10 Q. What about your daughter; did your daughter
11 talk to the installation man?

12 A. I don't know.

13 Q. Did she ever tell you that she did?

14 A. No.

15 Q. And you said that you had Direct TV before.

16 Were there cables already running through the house?

17 Did you already have cables in the house?

18 A. Yes. They had a -- Direct TV had a cable in
19 there.

20 Q. So you already had cable that ran to both rooms
21 or just to one room or to how many rooms?

22 A. To two rooms.

23 Q. So the Direct TV ran to the same two rooms as
24 the Dish Network did?

25 A. Yes.

1 Q. And the cables were still in there from Direct
2 TV; correct?

3 A. Yes.

4 Q. But the dish for Dish Network was different
5 from the Direct TV dish; correct? You got a new dish
6 for Dish Network; correct?

7 A. Yes.

8 Q. What happened to the Direct TV dish? Was it
9 still on -- still hooked on to the house?

10 A. No, it was -- well, they had it out by in front
11 of the house.

12 Q. On a pipe?

13 A. On a pipe.

14 Q. But the cables ran to the same two rooms;
15 correct? The Direct TV and the Dish Network use the
16 same cables?

17 MR. BRAGG: Objection; form.

18 Q. (BY MR. NELSON) To your knowledge, were the
19 same cables used for the Direct TV as --

20 A. I don't know --

21 Q. -- the Dish Network.

22 A. -- how they run. I wasn't there. You know, I
23 just walked in -- and -- and seen the -- seen the
24 technician standing in front of the TV. And a lot of
25 static was on it, so I went into my bedroom and laid

1 Q. (BY MR. NELSON) What I would like to talk
2 about is one of the exhibits that you have there in
3 front of you is Exhibit No. 10.

4 MR. BRAGG: I've got actually six pages
5 after the cover page. That's all right?

6 MR. NELSON: It's probably more than that.
7 I may have the wrong exhibit number. What's Exhibit No.
8 9?

9 MR. BRAGG: 10 is the incident report.

10 MR. NELSON: 10 is the one that I want to
11 ask him about then.

12 MR. BRAGG: Six pages.

13 MR. NELSON: Yeah.

14 MR. BRAGG: Okay.

15 Q. (BY MR. NELSON) You said that you had gone in.
16 You walked through the house. You saw the installation
17 guy in front of the television in Room No. D, and there
18 was static on there. And then you walked into the back
19 bedroom in Room No. G and laid down on the bed; correct?

20 A. Uh-huh.

21 Q. Was there a television in Room G also?

22 A. No.

23 Q. Was there a receiver in Room G?

24 A. No.

25 Q. All right. But you had -- could you hear what

1 A. No.

2 Q. And none of the firefighters that were out
3 there told you that the fire had been caused by
4 equipment use; correct? None of the firefighters that
5 were out there on February the 26th of 2016, told you
6 that the equipment was the cause of the fire?

7 A. No.

8 Q. And when I say equipment, I mean, everything.
9 It wasn't caused by the cables. It wasn't caused by the
10 dish. It wasn't caused by the receiver. No equipment
11 had anything to do with this fire; correct?

12 MR. BRAGG: Objection; form.

13 Q. (BY MR. NELSON) Let me ask you this: Did any
14 firefighter tell you they determined what the cause of
15 the fire was?

16 A. No.

17 Q. And none of the firefighters told you that the
18 fire was caused by the installation of this Dish Network
19 equipment?

20 A. No.

21 Q. All right. Let's go down to comments. Do you
22 see where the comment section is?

23 A. Yeah.

24 Q. And, you know, maybe if you turn to the second
25 page, it may be easier to read on the second page. Do

1 you see where the comment section is?

2 A. Yeah.

3 Q. "Owner states the Dish TV box was on fire." Do
4 you see that?

5 A. Yeah.

6 Q. And then the next line says: Newton had six
7 trucks out there, six fire trucks and 14 people. And
8 Bohn River had six people with four trucks.

9 A. Uh-huh.

10 Q. Does that sound about right, like there were
11 about ten trucks out there, ten fire trucks out there?

12 A. I don't really know. I was laying in the ditch
13 unconscious out there, me and my wife both; so I don't
14 know what was -- I don't know. We was laying on the
15 cold, wet ground.

16 Q. And then they said -- is it Twin Creek -- is
17 there a place called Twin Creek?

18 A. Quick Sand Creek.

19 Q. Quick Sand Creek. They sent two trucks with
20 five people.

21 A. Well, that's what that says.

22 Q. But you can't recall; correct?

23 A. No.

24 Q. But the last line is what I really want to
25 focus on. See where it says comments: Plug from heater

1 thought to start fire.

2 Do you see where that says?

3 A. Yeah. I don't know -- I don't know. They
4 didn't investigate it, though.

5 Q. But the fireman -- pardon me. Go ahead.

6 A. I don't know who made that statement there.

7 Q. Well, this statement would have been made by
8 somebody at the volunteer fire department; correct?

9 A. I guess. It's on there.

10 Q. Well, it says comments. Do you have any reason
11 to believe anybody other than Chief Herb Kelly wrote
12 this stuff. Look at Mr. Kelly's handwriting. Doesn't
13 that look like the handwriting up above?

14 A. I don't know. I don't know his handwriting.

15 Q. Do you know Herb Kelly?

16 A. Yeah, he -- he's supposed to be the chief fire
17 marshal.

18 Q. Well, Herb Kelly said -- at least that looks
19 likes his handwriting -- and you don't have any reason
20 to believe it's somebody else's handwriting, do you?

21 A. Huh-uh.

22 Q. Do you know anybody else who would have written
23 in the comment section on this fire department report
24 other than Chief Kelly? Do you know anybody else who
25 would have written in there?

1 A. No, I'd say it's a false statement.

2 MR. GIACCO: Objection; responsive.

3 A. False statement because I know what burned my
4 house down.

5 Q. (BY MR. NELSON) We'll get to that in a minute.
6 But the fire chief who deals with these fires all the
7 time said that the plug from the heater was sought to
8 start the fire. Would you agree with me that Chief
9 Kelly has more experience in fires than you do?

10 MR. BRAGG: Objection; form.

11 A. Well, what he can see he would, but what I seen
12 I have more experience there.

13 Q. (BY MR. NELSON) Would you agree with me that
14 Chief Kelly's done more fire investigations than you've
15 done?

16 A. I imagine he's done a lot of them.

17 Q. Have you ever done a fire investigation?

18 A. No.

19 Q. Not one. Do you know what NFP 921 is?

20 A. Huh-uh. Sure don't.

21 Q. Well, I'll represent to you NFP 921 is the
22 standard they use for fire analysis when they're
23 analyzing fires. And that's -- it's a standard that's
24 similar to -- do you know what ASTM stands for?

25 A. Huh-uh.

1 job?

2 A. I don't know. All I ever heard about him he
3 was policeman stopped people. That's -- I ain't never
4 heard nothing about him.

5 Q. You heard anything bad about Chief Kelly?

6 A. No.

7 Q. And you don't know of any reason why Chief
8 Kelly would have put in "plug from heater thought to
9 start fire" unless he didn't believe that?

10 A. Yeah, I do, because the heater was the only
11 sitting out there where you could see it sitting in the
12 wide open. So what else would you think, you know, all
13 the tin wasn't moved off the other rest of the house,
14 so, you know, that's poorly investigation.

15 Q. Well, did you -- were you at your house when
16 somebody else came out to take a look at the house after
17 the fire?

18 A. Yeah. I was there.

19 Q. Who else was there that day when they came out
20 to look at the house?

21 A. Denver, Colorado, investigators.

22 Q. Anybody else?

23 A. Mr. Juhan and Dish Network attorney was there.
24 I don't -- all I knew was Mr. Juhan.

25 Q. So your lawyer was there?

1 A. Yeah.

2 Q. So you had your lawyer there. Was your wife
3 there with you?

4 A. No. She wasn't there.

5 Q. Did you have a fire investigator look at it for
6 you? Did you hire a fire investigator --

7 A. No.

8 Q. -- come look at the scene? So we know that the
9 fire department came out and looked at it. They looked
10 at it the day of the fire; correct? Correct?

11 A. Looked at it?

12 Q. Looked at your house the day of the fire?

13 A. Yes.

14 Q. The volunteer fire department wrote this report
15 the day of the fire; correct? February 26th, 2016,
16 that's the day of the fire?

17 A. Yes.

18 Q. And how many days after the fire did these --
19 did this other investigator come out and take a look at
20 the house?

21 A. I don't -- I don't remember.

22 Q. But you -- you were never denied the ability to
23 go out and have somebody investigate the scene of the
24 fire; correct? You could have had somebody come out and
25 take a look at the fire after the fire; correct?

1 A. No.

2 Q. -- say we're bringing Dish out?

3 A. Yeah, I think they mentioned it to me, that
4 they was going to switch over to Dish.

5 Q. Have you -- did you do any type of research on
6 Dish before it was installed?

7 A. No.

8 Q. So you weren't influenced by any advertising
9 associated with Dish; correct?

10 A. No.

11 Q. You didn't open a newspaper, see a Dish
12 advertising and so go get Dish?

13 A. Huh?

14 Q. You didn't look at any advertising in the
15 newspaper, in a magazine, on television?

16 A. No.

17 Q. The decision to put Dish in your house wasn't
18 in any way influenced by advertising?

19 A. I don't guess.

20 Q. And no warranty, no representation that this is
21 going to be safe; you don't have to worry, anything like
22 that, caused you to go out and put Dish in your house,
23 Dish Network? Correct?

24 A. Huh?

25 Q. No warranty -- you didn't see anything or read

1 anything that said, look, if we put Dish in here, we're
2 not going to have any problems; everything's going to be
3 safe? There wasn't any warranty you were relying upon
4 putting Dish in?

5 MR. BRAGG: Objection; form.

6 A. No, they didn't warrant me.

7 Q. (BY MR. NELSON) And you'd used satellite
8 television products before; you knew how to use them?

9 A. Huh?

10 Q. You knew how to use satellite dish type
11 products before the fire?

12 A. No. All this new stuff, I don't know nothing
13 about it.

14 Q. Have you ever used Direct TV before?

15 A. No.

16 Q. You had Direct TV in the house, and you never
17 used it?

18 A. I never have.

19 Q. Do you watch TV?

20 A. Well, if it's gospel singing or preaching or
21 something or little comedy show, I will once in a while.

22 Q. Well, have you ever used the remote in one of
23 those Dish Network?

24 A. No.

25 Q. Never used the remote? Do you watch TV?

1 that number -- D?

2 A. No.

3 Q. From Room G. You were in Room G.

4 A. Yeah, we come out of Room G through Room F down
5 through E and -- and looked through the door there at
6 the bedroom. There was a door there and a door there.
7 And back up in there fire was all around the box.

8 Q. Yeah, could you hold that up so she can see
9 that.

10 A. (Witness complies.)

11 Q. All right. So from where you sit in Room G
12 where you're in the bedroom G, there's no connecting
13 door to Room D?

14 A. No. Just a door in the hallway there.

15 Q. All right. So you have to go from Room G up to
16 Room F through Room E, and then you said you had to look
17 back into Room D; but the box is in the back corner of
18 the room, so you have to look into the room and then
19 look back --

20 A. Yeah.

21 Q. -- toward the wall of G; correct?

22 A. Yeah.

23 Q. So you cannot see the box, the dish box that
24 you said was on fire as you walk through Room G, Room F,
25 or Room E; correct?

1 A. Yes, the door was open.

2 Q. No, you have to go through the door and then
3 look back; correct?

4 A. No. No. It's just like a -- the doorway here
5 and right here is the doorway to there, and here's the
6 doorway to the kitchen and -- and from standing there, I
7 could see straight into the room.

8 Q. Well, let's just take a look at this room right
9 here; okay? Would the dish box be like where the globe
10 is; it would be back in the corner, and the door would
11 be right there? Would that be similar to Room D?

12 MR. BRAGG: Objection; form.

13 A. Yeah, it was --

14 Q. (BY MR. NELSON) Similar to this? Could the
15 videographer just get a picture of the door back to
16 where the globe is.

17 (Videographer complies.)

18 Q. (BY MR. NELSON) All right. So you basically
19 have to open this door, and then you have to --

20 A. You have look around the -- you have to look
21 around the door facing and then I -- and I could see in
22 there.

23 Q. All right. But the explosion had already
24 occurred. You'd already been shook -- the house had
25 shaken. You get up out of G, you walk into F and E, and

1 were putting you in the ambulance, did you ever talk to
2 any of the nurses?

3 A. Huh-uh.

4 Q. Well, it said they found -- again on page 141
5 it said the emergency people said they found Mary seated
6 and alert on the ground. The house was a total loss,
7 and that Mary was in the bedroom. There was an
8 explosion in another room of the house. The whole house
9 shook, and then it caught on fire.

10 So what they -- information they
11 received -- received parallel with what you gave them;
12 correct? The house shook -- there was explosion. The
13 house shook, and then the room caught on fire?

14 A. We heard the same thing, seen the same thing.

15 Q. Right. Does -- let's go to page 175. They
16 also did an x-ray of Mary. And what they found when
17 they did Mary was the same thing they found with you,
18 that the heart and the lung space was normal in size,
19 and there were no air space opacity, which means the
20 lungs were clear. There wasn't anything in there to
21 indicate that the lungs had -- had any problems from
22 smoke inhalation or anything like that. They also said
23 again no plural infusion, which means there was no fluid
24 in the lungs.

25 A. Yeah.

1 Q. Were the windows blown out? Did D have windows
2 in it?

3 A. D had windows in it, and they were blew out.

4 Q. The windows blew out?

5 A. With pressure.

6 Q. Where's -- and the electric stove is in E?

7 A. The electric stove in E. There was nothing on
8 fire in E.

9 Q. The stove wasn't on?

10 A. No. Well, after the explosion there wasn't
11 nothing on fire but in D.

12 Q. Where is the door to C, the bathroom?

13 A. The door to --

14 Q. To the bathroom, where is it located. Is there
15 one door or two doors?

16 A. It's right -- it's right straight across from E
17 door.

18 Q. So it's -- the door to the bathroom is not
19 connected to D. It's not connected to C. It's
20 connected to E?

21 A. Yeah.

22 Q. Okay.

23 A. It was connected. It ain't now.

24 Q. Were there any windows blown out in Room G?

25 A. No.

1 right-hand side, on the side that -- the -- on the
2 side -- on the side where the heater was there.

3 Q. Where in the bathroom was the commode located?
4 See, you have the pictures of the bathroom right there
5 between --

6 A. Oh. Oh, yeah, right here, bath and --

7 Q. Where was the commode? Which wall was the
8 commode?

9 A. Doorway was here coming in. The commode was
10 here. Bathtub was over here. Lavatory sink was over
11 here.

12 Q. And where was the septic?

13 A. The septic, it was -- it was about 12 foot over
14 here.

15 Q. Do -- did you get your septic pumped out
16 regularly?

17 A. No, I didn't.

18 Q. Did you ever pump it out from the time --

19 A. No.

20 Q. So from '96 to 2016, that would be a 20-year
21 period. In that 20-year period, you never pumped it
22 out?

23 A. Huh-uh.

24 Q. No?

25 A. No.

- 1 Q. Did you have a 500-gallon tank?
- 2 A. No. I think it --
- 3 Q. Thousand?
- 4 A. No. It wasn't that big. It was a small, small
- 5 home-built tank.
- 6 Q. How long did the lateral lines run?
- 7 A. Do what?
- 8 Q. Lateral lines, how far did they run?
- 9 A. Oh, they run probably 120 feet or so.
- 10 Q. Did you ever use an auger in those pipes to go
- 11 down and clean out the pipes? Did you ever use that?
- 12 A. In the pipes?
- 13 Q. Yes.
- 14 A. No, I never had trouble with roots growing in
- 15 it.
- 16 Q. Where was the kitchen sink located?
- 17 A. Kitchen sink, right here.
- 18 Q. And the lines from the kitchen sink ran
- 19 straight to the bathroom and out to the septic; right?
- 20 A. No. They went straight out all the way out
- 21 across the drive in front by the cypress trees.
- 22 Q. So, in your sink all you had was gray water?
- 23 A. Huh?
- 24 Q. Gray water. Gray water.
- 25 A. Dish water.

1 and a piece dripped down on my arm there.

2 Q. Well, clarify. Did it come through the wall,
3 or come through the ceiling?

4 A. Well, right at the top of the plate or
5 somewhere there, you know, it was right there. All I
6 know, a piece of fire hit me and burned me on the arm
7 some.

8 Q. Where were you standing?

9 A. When?

10 Q. When it hit you.

11 A. Oh, I was going down the hallway just on the
12 other side the bedroom from that -- in the kitchen part,
13 you know, down by the wall, and it fell out and hit me
14 on the arm there.

15 Q. Okay. If I understood your testimony, you
16 saw -- when you looked around the corner and looked in
17 D, there was flames all over Room D; right?

18 A. Yes. And most of it was in that corner back
19 there where the dish box was.

20 Q. But there was flames all through the room by
21 time you looked in; right?

22 A. No. I just seen the corner burning back in
23 there.

24 Q. What was burning?

25 A. The -- well, where the dish box and TV and all

1 was in there.

2 Q. But what was on fire?

3 A. Well, that whole corner was on fire.

4 Q. And what was in that corner that was burning?

5 A. The dish and the TV and all that.

6 Q. So the TV and the box. Was there anything else
7 that was burning?

8 A. No.

9 Q. So at that point when you're looking, the only
10 things that are on fire are the dish box and the TV?

11 A. Yeah.

12 Q. Nothing else?

13 A. No. I didn't see nothing else.

14 Q. So by time you got around back into G, the wall
15 had burned entirely through, and fire was coming down on
16 you?

17 A. Yeah. Yeah.

18 Q. How long did it take for you to get back to G
19 to get your wife out?

20 A. Not long. I don't know, about --

21 Q. Less than 30 seconds?

22 A. Probably or something.

23 Q. Was there smoke?

24 A. Yeah, there was smoke and fire.

25 Q. Was there smoke in the kitchen?

1 Q. Were they wild or were in a cage?

2 A. No, tame.

3 Q. They were in a cage?

4 A. In a big glass cage. I had a big glass cage in
5 that F there. It was like my day room, and I'd go in
6 and sit in my recliner and watch the doves and --

7 Q. Did you have any space heaters in the house?

8 A. Huh?

9 Q. Did you have any space heaters?

10 A. Space heaters? I had one.

11 Q. Where was it?

12 A. It was in there with the doves.

13 Q. Where was that? In A?

14 A. That was in F.

15 Q. In F?

16 A. In F.

17 Q. It's the only space heater you had?

18 A. Yes.

19 Q. There was no space heater in D?

20 A. No.

21 Q. Is there a reason on your list of property you
22 didn't list the space heater?

23 A. No.

24 Q. You have an opinion --

25 A. I don't think. I might have. I don't know if

1 Q. You can see the frame. What is this right here
2 between --

3 A. That's the old patch with something. Something
4 was there. I had patched it there.

5 Q. So you patched -- patched the exterior wall?

6 A. Yeah. Yeah, that wall was --

7 Q. And was there a hole in the interior wall also?

8 A. No, I don't think.

9 Q. Well, what I'm trying to get at, was there a
10 cavity that runs between where the pipe was for the
11 heater all the way back through the window and
12 everything towards Room No. D in the bathroom because
13 that looks like a cavity that runs all the way from the
14 wood stove back to the bathroom and possibly Room D.
15 You don't know?

16 A. No. Huh-uh.

17 Q. All right.

18 A. No, I don't know -- now in the wintertime we
19 would nail boards up and put plastic up over the wall
20 to -- to make it warm in the house. My daddy done that
21 to his house, you know, it would have cracks in it
22 sometimes and --

23 Q. So you had seams --

24 A. -- keep air from coming through.

25 Q. You had seams and cracks and cavities that

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BILLY REYNOLDS AND MARY REYNOLDS	§	
	§	C.A. NO. 1:18-cv-00065-MAC
V.	§	
	§	JURY DEMAND
DISH NETWORK	§	AFFIDAVIT SUPPORTING
	§	MOTION FOR SUMMARY
V.	§	JUDGMENT
	§	
ASSOCIATED INSTALLATION GROUP,	§	
INC.	§	

AFFIDAVIT

My name is Gregory B. Gordon. I am employed by NEFCO Fire Investigations and the Houston Fire Department. I am a Certified Fire Investigator (IAAI-CFI) through the International Associate of Arson Investigators. I am also a Certified Fire and Explosion Investigator (CFEI) and Certified Vehicle Fire Investigator (CVFI) through the National Association of Fire Investigators. All of my certifications are current.

I am competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. I have attached my current resume (Exhibit A), which accurately reflects my knowledge, training, experience, education, and specialized knowledge in investigating fire scenes and the origin and cause of fires. I have never been struck as a fire investigation expert nor has my testimony ever been limited as a fire investigation expert.

I personally visited the scene of the fire involving Billy and Mary Reynolds' house in Newton, Texas. Billy Reynolds and his legal counsel were present while I visited the fire scene and performed my investigation. I performed my investigation of the fire at the Reynolds' house pursuant to NFPA 921; more particularly, pursuant to the general methodology set forth in Chapter 4, and the origin and cause methodologies set forth in Chapters 18 and 19 of NFPA 921. Other methodologies, set forth in NFPA 921, were also relied upon during my investigation of the Reynolds' house fire scene and in reaching my opinions in this case.

My opinions in this case are based on my use of the systematic approach, relied upon by experts in the field of fire investigation, and as described in NFPA in 921. The methodologies set forth in NFPA 921 for fire investigation are generally accepted within the fire investigation community as a guide for conducting and determining the origin and cause of fires. The purpose of NFPA 921 is to increase the reliability of conclusions arrived at by fire investigators.

Gregory Gordon Affidavit 1

While at the scene of the fire, I documented the main structure, the neighboring out buildings, the burnt motor vehicle, the accessible remains of the house, the roofing materials, the accessible charred wood floors, the burnt appliances, the metal remains of various pieces of furniture, the accessible electrical wiring, outlet boxes, the satellite dish equipment, and the wood burning stove. The Reynolds' house and contents were almost completely consumed in the fire. There were no interior or exterior walls left standing and the floors of the house had also been largely consumed.

I have attached true and correct copies of photos of the Reynolds' house that I took on the day of my inspection/investigation (Exhibit B). The attached photos have not been altered or modified in any way. The attached photographs correctly represent the depicted scene or objects I observed on the day of my inspection. I also reviewed the attached Newton Volunteer Fire Department Incident Report from the fire at the Reynolds' house (Exhibit C), in which the Newton Fire Chief stated, "plug from heater thought to start fire".

I prepared a report after my investigation of the fire scene and my interview of Billy Reynolds at the fire scene. Since composing my report, I have had the opportunity to review the deposition testimony of Billy Reynolds taken in this case along with the exhibits introduced in that deposition. Further, I reviewed the affidavit of Danny Parker, an exhibit attached to the motion for summary judgment in this case.

The cause of any fire falls into four different classifications: accidental, incendiary, natural, and undetermined, per Chapter 20 of NFPA 921. During my investigation, I could not conclusively determine a sequence of events that would bring a competent ignition source and fuel source together that would cause the observed damage in the Reynolds' house. I could neither explain nor verify the growth and development of the fire, as described by Billy Reynolds, by the data and information supplied by Billy Reynolds or by my observations of the fire scene.

After considering all credible hypotheses and data related to the fire at the Reynolds' house, and using the methodologies set forth in NFPA 921, the opinions in my investigative report have not changed. They are as follows:

1. The origin of the fire is undetermined.
2. The cause of the fire is undetermined.
3. The ignition source for the fire is undetermined.
4. The fire is classified as undetermined.

There is not one hypothesis that brings forth a fuel and competent heat/ignition source that is consistent with the data observed at the fire scene or presented by the witnesses and parties. Therefore, I could not conclusively determine the cause, origin, or ignition source of the fire.

The records attached hereto are the original or exact duplicates of the original.

Affiant sayeth nothing further.


Signed this 22 day of February, 2019.



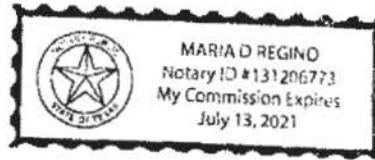
Gregory Gordon Affidavit 2

Gregory Gordon

SWORN TO and SUBSCRIBED before me by Gregory Gordon on the 22 day of February, 2019.



Notary Public in and for the
State of Texas



Gregory Gordon Affidavit 3

EXHIBIT A

GREGORY B. GORDON IAAI-CFI, NAFI-CFEI, CVFI
NEFCO Fire Investigations
1 Pickering Road
PO Box 7399
Rochester, NH 03839
1-800-675-8500

Employment	NEFCO Fire Investigations	2017-Present
	Fire Analyst/Houston, TX	
	Houston Fire Department	1994-Present
	Arson Investigator/Houston, TX	2007-Present
	Engineer and Operator	2004-2007
	Fire Fighter and Paramedic	1994-2004
	Rimkus Engineering and Consulting	2010-2017
	Fire Investigator/Houston, TX	
	Fort Bend County EMS	1992-1994
	Paramedic/Richmond, TX	
	Tomball Fire Department	1985-1992
	Fire Fighter and EMT/Tomball, TX	
Specialized Qualifications	Certified Fire Investigator through the IAAI Certified Fire and Explosion Investigator through NAFI Certified Vehicle Fire Investigator through NAFI	
Professional Affiliations	Texas Firefighters Association Texas Municipal Police Association	
Education	University of Houston - Houston, TX	1985
	Bachelor of Arts in History	
Professional Training	<u>CFI Trainer</u>	
	Understanding Undetermined—3 tested hours	2019
	Investigating Motor Vehicle Fires – 4 tested hours	2018
	Investigating Fatal Fires – 4 tested hours	2018
	Ethical Duties Beyond the Fire Scene – 3 tested hours	2018
	Accreditation, Certification, and Certificates – 3 tested hours	2018
	Motor Vehicles: Transmission, Exhaust, Brake, and Accessory Systems – 3 tested hours	2018
	Introduction to Youth-Set Fires – 3 tested hours	2018
	Fire Chemistry – 3 tested hours	2018
	Arc Mapping Basics – 4 tested hours	2018
	The Impact of Ventilation In Building Structures on Fire Development – 4 tested hours	2018
	Thermometry, Heat, and Heat Transfer – 3 tested hours	2017

Critical Thinking Solves Cases – 4 tested hours	2012
Effective Investigation and Testimony – 3 tested hours	2012
Ethics and the Fire Investigator – 3 tested hours	2012
Explosion Dynamics – 4 tested hours	2012
Fire and Explosion Investigations: Utilizing NFPA 1033 and 921 – 4 hours	2012
Fundamentals of Interviewing – 4 tested hours	2012
Fundamentals of Residential Building Construction – 3 tested hours	2012
Investigating Motor Vehicle Fires – 4 tested hours	2012
MagneTek: A Case Study in the Daubert Challenge – 2 tested hours	2012
Motive, Means, and Opportunity: Determining Responsibility in an Arson Case – 4 tested hours	2012
Writing the Initial Origin and Cause Report – 3 tested hours	2012
A Ventilation-Focused Approach to the Impact of Building Structures and Systems on Fire Development – 4 tested hours	2011
Arc Mapping Basics – 4 tested hours	2011
Documenting the Event – 4 tested hours	2011
Electrical Safety – 3 tested hours	2011
Fire Investigator Scene Safety – 3 tested hours	2011
Introduction to Evidence – 4 tested hours	2011
Introduction to Fire Dynamics and Modeling – 4 tested hours	2011
Investigating Fatal Fires – 4 tested hours	2011
Physical Evidence at the Fire Scene – 4 tested hours	2011
Search and Seizure – 4 tested hours	2011
The Scientific Method for Fire and Explosion Investigation – 3 tested hrs	2011
<u>Fire Findings</u>	
Investigation of Gas and Electric Appliance Fires – 30 tested hours	2018
Residential Electricity for Fire Investigators – 16 tested hours	2018
<u>Practical Response Perspectives C.G. LLC</u>	
Intermediate Crime Scene Search #2106 – 40 hours	2017
<u>Texas A&M Engineering Extension Service</u>	
Interactive Motor Vehicle Fire Investigation – 16 tested hours	2018
NFPA 921 and 1033: Sword and Shield – 16 hours	2017
Death Investigation – 40 hours	2014
<u>The Houston Fire Department</u>	
SLICERS Rescue and VEIS – 2 tested hours	2018
Identify and Control the Flow Path – 2 tested hours	2018
Heat Stress for Firefighters – 2 tested hours	2017
ELECTRICITY: Recognizing and Avoiding Hazards – 2 tested hours	2017
BLUE CARD Introduction and Terminology – 2 tested hours	2017
FIREHOUSE: Closing Outstanding Records – 2 tested hours	2017
Carbon Monoxide Awareness – 2 tested hours	2017
Air Management – 2 tested hours	2017
Electrical Fires – 8 tested hours	2016
HIPAA Continuing Education – 2 tested hours	2014
Courage to Be Safe Parts 1, 2, 3 – 2 tested hours	2014
Investigator Certification	2006
<u>National Highway Institute</u>	

Safe and Effective Use of Law Enforcement Personnel in Work Zones – 2 hours	2017
<u>Texas State University</u>	
Terrorism Response Tactics: Active Shooter Level 1	2015
<u>National Association of Fire Investigators</u>	
Vehicle Fire, Arson & Explosion Investigation Science and Technology Seminar – 32 tested hours	2013
<u>National Fire Academy</u>	
Electrical Aspects of Fire Investigation	2013
Interviewing/Interrogation Techniques and Courtroom Testimony	2012
<u>Texas Municipal Police Association</u>	
3182 State & Federal Law Update – 4 hours	2013
3841 CIT – 16 hours	2013
3896 Excited Delirium / Sudden In Custody Death – 4 hours	2013
<u>Texas Commission on Fire Protection</u>	
Arson Investigator Master	2008
Arson Investigator Advanced	2008
Arson Investigator Intermediate	2008
Arson Investigator Basic	2008
Fire Investigator Basic	2008
Firefighter Basic	1995
<u>Texas Commission on Law Enforcement Officer Standards and Education</u>	
Basic Peace Officer	2008
<u>Public Agency Training Council</u>	
Kinesic Interview & Interrogation Phase I and II – 40 hours	2007
<u>Justice Information Management System of Harris County</u>	
D A Intake DIM	2007
<u>Houston Community College Northeast</u>	
Crisis Intervention – 24 hours	2007
Basic Peace Officer Certification – 640 hours	2007
Expandable Baton – 16 hours	2007

GREG B. GORDON, IAAI-CFI, NAFI-CFEI
NEFCO Fire Investigations
1 Pickering Road-PO Box 7399
Rochester, NH 03839
(800) 675-8500

SUMMARY OF EXPERT TESTIMONY AT TRIALS, DEPOSITIONS AND ARBITRATIONS

Lucia Oaks vs. CM Construction
Cause No. 12-12-12560
410th Judicial District Court, Montgomery County, TX
Testified in Deposition, 2013

The State of Texas vs. Rodolfo Oliva
Cause No. 1200035901010
Harris County, TX
Testified at Criminal Trial, 2009

EXHIBIT B



Rimkus Consulting Group, Inc.
Eight Greenway Plaza, Suite 500
Houston, TX 77046
(800) 580-3228 Telephone
(713) 623-4357 Facsimile

Certificate of Authorization No. F-1545
Certification Expiration Date September 30, 2016

THE ORIGINAL OF THIS REPORT, SIGNED AND SEALED BY THE PROFESSIONAL WHOSE NAME APPEARS ON THIS PAGE, IS RETAINED IN THE FILES OF RIMKUS CONSULTING GROUP, INC.

Report of Findings

FIRE CAUSE & ORIGIN - TRAILER

RCG File No.: 11009491

Prepared For:

LAW OFFICE OF LORI B. WIESE
1 EAST GREENWAY PLAZA, SUITE 105
HOUSTON, TEXAS 77081

Attention:

MR. AL DURRELL

Gregory B. Gordon - IAAI-CFI
Fire Consultant

July 25, 2016

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July 25, 2016

Section I

INTRODUCTION

Rimkus Consulting Group, Inc. was retained to investigate the origin and cause of a fire that occurred on February 26, 2016 in Newton Texas. Our work to complete this assignment was performed by Mr. Gregory Gordon, IAAI- CFI. The report was technically reviewed for technical accuracy by Mr. Joseph M. Ellington, IAAI-CFI, Regional Fire Division Manager.

While performing the examination we employed the basic methodology of fire investigation and systematic approach recommended by the current edition of National Fire Protection Association 921- *Guide to Fire and Explosion Investigations*, latest edition. Additional photographs taken during our investigation but not used in the report are available on request.

This report was prepared for the exclusive use of Law Office of Lori B. Wiese, and was not intended for any other purpose. Our report was based on the information available to us at this time, as described in the **Basis of Report**. Should additional information become available, we reserve the right to determine the impact, if any, the new information may have on our opinions and conclusions, and to revise our opinions and conclusions if necessary and warranted.

Section II

CONCLUSIONS

1. The exact point of the fire's origin was not conclusively identified.
2. Neither the fire fuel ignited nor the source of the fire's ignition was conclusively identified.
3. The cause of the fire could not be determined to the threshold of certainty required by NFPA 921 – Guide for Fire & Explosion Investigation.
4. Because of this, the classification of the fire's cause is Undetermined.

Section III

DISCUSSION

On June 30, 2016, we examined the fire damaged structure located at 150 County Road 2027 in Newton, Texas (**Photograph 1**). Mr. Billy Reynolds, the owner of the property, and Mr. Wally Westbrook, an occupant, were present during the examination. In addition, legal representatives of DISH Network, Mr. Al Durrell, counsel for the installer and Mr. Johnathan Juhan, attorney for the homeowner were present. Fire Investigators and technicians from DISH Network were there for the examination as well.

During the examination, Mr. Billy Reynolds was interviewed along with other investigators and attorneys. Mr. Reynolds stated he obtained the property in 1987 and moved to its current location in 1996. He (Reynolds) described how several rooms were added onto the main house beginning in 2013 when two rooms were added to the rear of the home. These rooms were described by Mr. Reynolds as a master bedroom and day room. Mr. Reynolds advised that the combined dimensions of these rooms measured 12' by 24'. He stated that he did the work himself, including the electrical work, occasionally asking for assistance from friends and acquaintances.

In approximately 2015 Mr. Reynolds added on two more rooms to the front of the structure. These 12' x 12' rooms were described as an additional bedroom and a screened in front porch. The materials for the additions were purchased new from Lowes in Jasper.

When asked for clarification regarding who specifically did the electrical work on the home's additions, Mr. Reynolds restated that he did the electrical work himself and occasionally called a "friend" who would "coach" him over the phone when he needed assistance.

Mr. Reynolds advised there was electricity to the structure when the fire occurred, but no gas service. He explained further that there were old propane tanks and connections on the property that were not in use.

Mr. Reynolds stated that in 2008, during Hurricane Ike, a tornado damaged a portion of his roof, removing 5 to 6 pieces of tin. As with the previous modifications to the structure, he did not file an insurance claim but instead hired Mr. John Ipes, a friend to repair the home. The homeowner explained that Mr. Ipes primary occupation was "fish farming". Additional work was done on the home in 2014, that included "mud and sheetrock" work.

Mr. Reynolds stated the home had an older style antenna for television reception until he upgraded to a dish cable/satellite system provided by "Direct TV" for one month before switching to "DISH Network". According to Mr. Reynolds, the Direct TV service was in the name of his roommate, Mr. Wally Westbrook.

Mr. Reynolds estimated he had service with Direct TV from December of 2015 through January of 2016. Accordingly, there were two satellite dishes on the property that included one in the yard and one attached to the house (see photos).

Mr. Reynolds stated that he first observed the fire on the opposite wall inside the kitchen where there were no gas fueled appliances. There had been a propane fueled water heater on the west side of the house, but the propane line and tank had been removed five years earlier. A second propane tank was located along the east side of the structure and was not in use at the time of the fire, was given to Mr. Reynolds by his grandmother.

On the day of the fire, Mr. Wally Westbrook, Mr. Reynolds' roommate, and Mr. Reynolds observed Mr. Joseph Arredondo, the DISH Network installer, arrive and begin work to install the new cable/satellite service to the residence. He witnessed Mr. Arredondo cut and splice the cable for the newly installed system into the satellite dishes from Direct TV already in place in the front yard as well as the dish already

attached to the residence. Mr. Westbrook then observed the installer go inside of the residence to finish the installation and to hook up the receivers to two televisions inside.

Mr. Reynolds informed us that he and Mary Lou, his wife, went grocery shopping during the installation and arrived back home between 2:15 to 2:45 p.m. After returning home, and while putting groceries away, he observed the installer inside Mr. Westbrook's room in front of the TV. Shortly afterward, the couple laid down for a nap. A short time later, Mr. Reynolds stated that he woke up to a "loud boom that jarred the house".

Investigating the source of the sound, Mr. Reynolds observed fire in Mr. Westbrook's room on an opposite wall, near the northwest corner of the bedroom in the same area where the recently installed cable receiver was located.

Mr. Reynolds, his wife Mary Lou, and Annie, Wally's mom, were asleep in the house when the fire occurred. Additionally, at least eight people were identified as being on the premises. The exact locations, activities, and movements of the various occupants into and out of the residence prior to the fire could not be determined.

These persons were identified as:

- **Dakota Westbrook** - Wally Westbrook's son.
- **Charles Jones** - Mr. Reynolds' brother-in-law and neighbor who was said to be on location during the installation, but left prior to the fire.
- **Barney Simmons** - A cousin of Mr. Reynolds' who was said to be present during the installation as well as the fire.
- **Mary Lou Reynolds** - Billy Reynolds' wife who was said to be asleep inside of the structure when the fire occurred.
- **Mary Amy (Westbrook)** - Wally's wife who was said to be playing horseshoes outside when the fire occurred. Investigators were told she was present during the installation as well as the fire.

- **Annie** - Wally's mom who was said to be inside the residence napping when the fire occurred.
- **Billy Ray** – His relationship to Mr. Reynolds unknown. No one could confirm or deny his presence at the time the fire occurred.
- **Mark Young** – Wally's friend who lived on the property and possibly in the home. He was said to be playing horseshoes when the fire occurred. He was said to be present during the Dish installation as well as the fire.

When asked who on the property and inside the residence smoked, Mr. Westbrook stated he smoked as did Dakota, his son, Annie, his mother, Mary Amy, his wife, and Barney, his cousin.

Mr. Westbrook described the contents of his room as consisting of a double bed, a small refrigerator, two chairs and several lampstands. Additionally, there was a 14" older (tube style) television on a stand, a box fan, and the newly installed satellite equipment. Mr. Westbrook denied keeping any flammable liquids in the room; however, he did describe a small container of lighter fluid on a night stand, to the right of his bed.

Exterior examination of the property and dwelling revealed the following:

- The property was overgrown. Trees, waist high weeds and shrubs covered the fire scene. The pier and beam structure where the fire originated was a near total burn with none of the interior or exterior walls left standing (**Photograph 2**). The fire damaged remains of a passenger car was in the driveway (**Photograph 3**) and several out buildings remained standing on either side of the burned remains of the main structure.
- The wood-framed structure measured approximately 60' (north to south) by 35' (east to west) and faced in a southerly direction. None of the interior or exterior

walls were intact. The sheet metal roof had collapsed downward and was lying mostly within the burned remains of the structure (**Photograph 4**).

- Electrical power was supplied to the structure by means of a service drop, service raceway, and meter that, in turn, supplied power to the main breaker box located on the exterior of the structure. The burned remains of these items were recovered from the fire debris near the southwest corner of the structure (**Photograph 5**). The exact status of the breakers could not be determined due to the extent and severity of fire damage sustained by these items (**Photograph 6**).
- An empty, disconnected propane tank was located on the east side of the structure. There was no gas service to the structure at the time of the fire (**Photograph 7**).
- Two out buildings were on the property. One building was located to the northwest of the main structure and sustained moderate fire damage (**Photograph 8**). The second building, to the east of the main structure, appeared to have been used as a separate living quarters (**Photograph 9**).
- Power was supplied to this second outbuilding via Romex style conductors observed running along the ground outside this second structure before entering a window located on the first structure's west side (**Photograph 10**). The wiring, circuit breaker was installed haphazardly, with the outlets dangling below the breaker box and loosely attached to the wall. This wiring configuration was photographed and documented (**Photograph 11**). This structure sustained no obvious fire damage.

An interior examination of the main structure revealed the following:

- The structure's wooden floors were burned through exposing the pier and beam foundation in most if not all of the rooms (**Photograph 12**). The burned remains

of various furniture, mattresses, and refrigerators/freezers (**Photograph 13**) were observed in the fire debris. Following the fire's movement and intensity patterns, and witness descriptions of where the fire was first observed, we entered the bedroom previously occupied by Mr. Wally Westbrook.

- The bedroom was located on the east side of the structure, approximately 35' north of the southeast corner (**Photograph 14**). The room measured approximately 10' (east to west) by 12' (north to south). The northwest corner of the bedroom sustained the heaviest fire damage (**Photograph 15**.) The interior walls were destroyed by the fire as was most of the wooden flooring.
- The burned remains of a television as well as cable/satellite components were recovered in the debris near the northwest corner (**Photograph 16**). A small refrigerator (**Photograph 17**) was located along the west wall near a wall (electrical) outlet. In addition, the remains of a box fan (**Photograph 18**) were observed along the north wall.
- Both the west (**Photograph 19**) and north wall outlets were heavily damaged by the fire. The north wall outlet sustained the heaviest fire damage (**Photograph 20**). The refrigerator, box fan, cable/satellite boxes and the wall outlet along the north wall were collected as evidence. The items collected were retained in the possession of Mr. Johnathan Juhan, the attorney representing Mr. Reynolds (**Photograph 21**).

Because of the extent and severity of the fire's damage, a detailed evaluation of the entire structure was not possible. Based on the remaining physical evidence, we could only conclude the fire originated inside the residence (**Photograph 22**.) The exact point of the fire's origin, however, could not be conclusively identified based on the remaining available evidence.

Neither the first fuel ignited nor the source of the fire's ignition was conclusively identified. As a result, the cause of the fire could not be determined to the threshold of certainty required by NFPA 921.

During our examination, we observed no evidence to support the claim that the installation work performed by Associated Installation Group, or the components that they installed, caused or contributed to the fire.

Given the facts and circumstances leading up to and surrounding the fire, the age and condition of the structure and electrical system, and the undocumented location and activities of multiple persons on the premises at the time of the fire's occurrence, it is at least equally probable that the source of the fire's ignition and its cause, although undetermined, was related to the undocumented and unknown actions and activities of the occupants of the residence.

Regardless, neither the origin nor cause of the fire can be determined within any reasonably degree of certainty.

Section IV

BASIS OF REPORT

1. Examination and documentation of the fire-damaged remains of the structure on June 30, 2016.
2. Information and details provided by the homeowner and witnesses identified in the report.
3. While performing our investigation we employed the methodology of fire investigation using a systematic approach as recommended in the current edition of the National Fire Protection Association (NFPA) 921 – Guide for Fire & Explosion Investigations.

Section V

ATTACHMENTS

A. Photographs

B. CV

Section V
ATTACHMENT A

Photographs

Photographs taken during our inspection, which were not included in this report, were retained in our files and are available to you upon request.

July 25, 2016
RCG File No. 11009491

AIMSJ0163

AIMSJ0071

Photograph 1

On June 30, 2016, we examined the fire damaged structure located at 150 County Road 2027 in Newton, Texas.



Photograph 2

The structure was a near total burn with none of the interior/exterior walls standing. The pier and beam foundation, and all of the contents were severely damaged by the fire.



July 25, 2016
RCG File No. 11009491

Photograph 3

The burned remains of the owner's car in the driveway.



Photograph 4

The sheet metal roof and its supports had collapsed into the fire debris.



July 25, 2016
RCG File No. 11009491

Photograph 5

Power was supplied to the structure via an electrical drop, meter and breaker box located on the exterior (southwest) corner of the structure.



Photograph 6

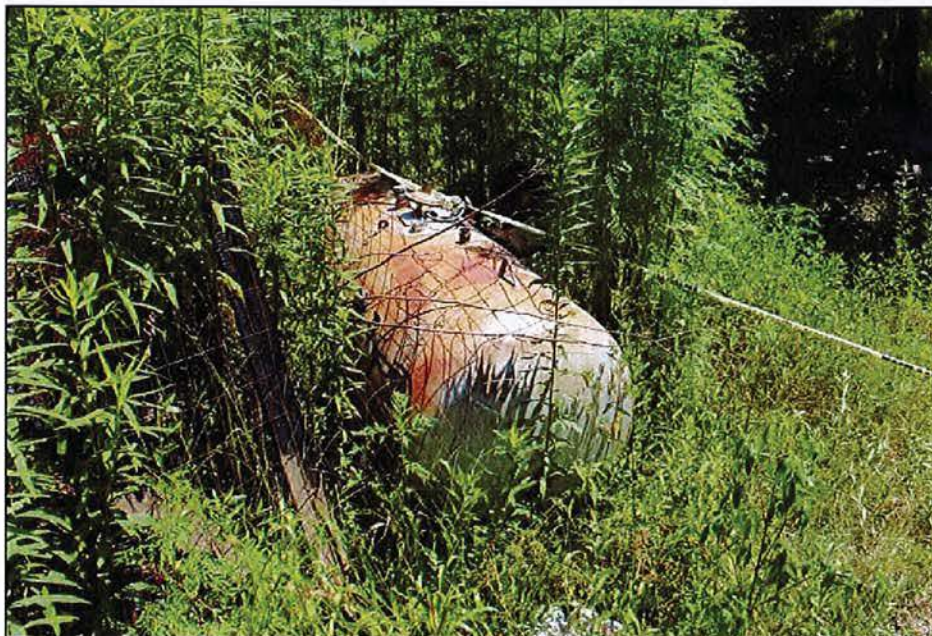
The breaker box and its components were destroyed by the fire.



July 25, 2016
RCG File No. 11009491

Photograph 7

There was no gas service to the structure. A disconnected propane gas tank was located on the east side of the structure.



Photograph 8

The outbuilding located to the northwest of the structure was damaged by the fire.



July 25, 2016
RCG File No. 11009491

Photograph 9

The outbuilding to the east of the main residence. This building appeared to have been occupied, with power being supplied to the structure. This building was not damaged by the fire.



Photograph 10

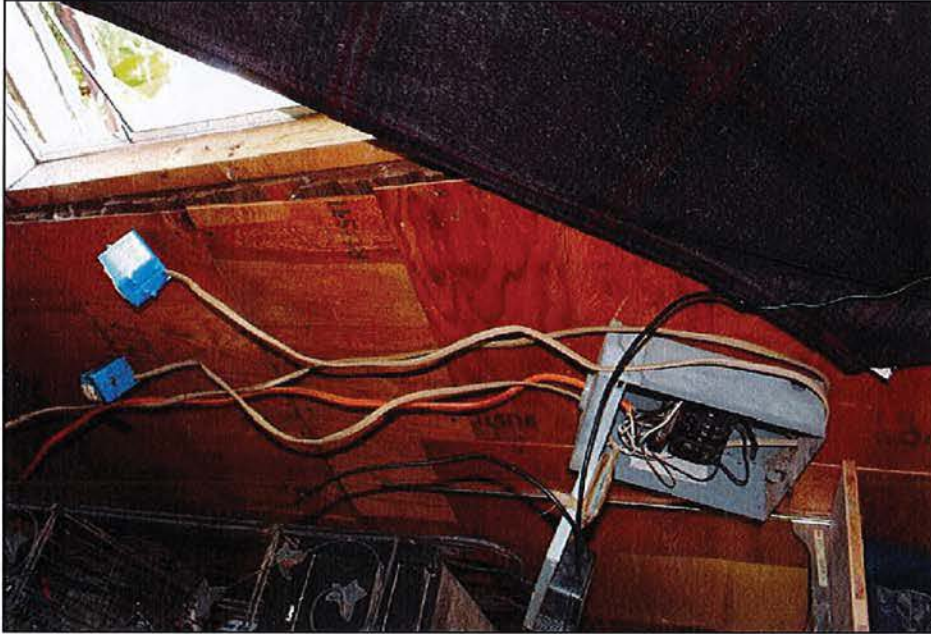
Power was supplied to the building east of the main residence by Romex style electrical conductors. These conductors were run (exposed, on top of the ground) between the two structures, before entering the west window of the structure located on the east side of the main residence.



July 25, 2016
RCG File No. 11009491

Photograph 11

Although power was supplied to the structure on the east side of the main residence, the installation was haphazard and shoddy.



Photograph 12

The structure's wooden floors were largely destroyed by the fire.



July 25, 2016
RCG File No. 11009491

Photograph 13

All of the contents of the structure were badly damaged by the fire, including the kitchen and its appliances.



Photograph 14

Mr. Wally Westbrooks room, where the fire was first observed.



July 25, 2016
RCG File No. 11009491

Photograph 15

The available witnesses placed the fire in Mr. Westbrook's room, in the northwest corner- center of this picture. Heavy fire damage was observed in this corner.



Photograph 16

The burned remains of a television, as well as cable satellite equipment were observed in the northwest corner of Mr. Westbrook's room.



July 25, 2016
RCG File No. 11009491

Photograph 17

Additional items were located near the northwest corner of Mr. Westbrook's room including a small refrigerator. The electrical outlet along the west wall near the refrigerator was badly damaged by the fire.



Photograph 18

A box fan was observed in the fire debris in Mr. Westbrook's room along the north wall.



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Photograph 19

The fire damaged outlet, between the two kitchen appliances, located along the west wall. This outlet was located behind the small refrigerator and was heavily damaged by the fire.



Photograph 20

The badly burned remains of the electrical outlet located along Mr. Westbrooks north wall.



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Photograph 21

The refrigerator, box fan, television, cable satellite receivers, and (north wall) outlet from Mr. Westbrook's room were collected as evidence, transported and stored with Mr. Reynolds's attorney, Mr. Johnathan Juhan.



Photograph 22

Based on the remaining physical evidence, we could only conclude the fire originated inside the residence. The exact point of the fire's origin, however, could not be conclusively identified based on the remaining available evidence.



July 25, 2016
RCG File No. 11009491

Section V
ATTACHMENT B

CV

July 25, 2016
RCG File No. 11009491

AIMSJ0175

AIMSJ0083



**GREG GORDON, NAFI-CFEI & CVFI, IAAI-CFI
FIRE CONSULTANT**

Mr. Gordon is a 1985 graduate of University of Houston with extensive training in both civil and criminal investigations. His industry knowledge spans over 25 years in public service. Mr. Gordon is experienced in both public and private sector investigations. Well qualified to testify as an expert witness, Mr. Gordon has testified in criminal matters and has completed the Interview, Interrogation and Courtroom Testimony course at the National Fire Academy in Emmitsville, Maryland.

EDUCATION AND PROFESSIONAL ASSOCIATIONS

Bachelor of Arts, History; University of Houston; Houston, TX
Certified Fire Investigator - International Association of Arson Investigators (IAAI)
Certified Fire and Explosion Investigator - National Association of Fire Investigators (NAFI)
Certified Vehicle Fire Investigator - National Association of Fire Investigators (NAFI)
Master Arson Investigator - Texas Commission on Fire Protection (TCFP)
Member Texas Firefighters Association (TFA)
Member Texas Municipal Police Association (TMPA)

EMPLOYMENT HISTORY

2011 _ Present	Fire Investigator -Rimkus Consulting Group
2007 – Present	Houston Fire Department, Arson Investigator
2004 – 2007	Houston Fire Department, Engineer and Operator
1994 – 2004	Houston Fire Department, Firefighter and Paramedic
1992 – 1994	Fort Bend County EMS, Paramedic
1985 – 1992	Firefighter/EMT Tomball Fire Department

GREG GORDON - NAFI-CFEI & CVFI, IAAI-CFI**DETAILED PROFESSIONAL EXPERIENCE:****FIRE INVESTIGATOR - RIMKUS CONSULTING GROUP 2011- PRESENT****CITY OF HOUSTON – HOUSTON FIRE DEPARTMENT 2007 - PRESENT**Arson Investigator

Responsible for the investigation of arson fires within Houston and surrounding Harris County. Although primarily trained as an Arson Investigator, additional duties include interviewing witnesses, conducting background checks, making arrests, performing surveillance and coordinating with local prosecutors to bring charges against known perpetrators. Is proficient in conducting interviews and interrogations as well as testifying via deposition or trial.

CITY OF HOUSTON – HOUSTON FIRE DEPARTMENT 2004 – 2007Engineer/Operator

Responsible for the inspection, maintenance and operation of pumper and ladder trucks involved in the suppression of fire.

CITY OF HOUSTON – HOUSTON FIRE DEPARTMENT 1994 – 2004Firefighter/Paramedic

Responsible for fighting dwelling, commercial and industrial property fires as well as vehicular fires. Also responsible for responding to medical emergency calls and evaluating and treating patients while en route to area hospitals.

FORTBEND COUNTY EMS 1992 - 1994Paramedic**TOMBALL FIRE DEPARTMENT 1985 – 1992**Firefighter/EMT**ADDITIONAL TRAINING:**

HIPAA Continuing Education 9/27/2014	HFD Arson Bureau Training
Computer Operations (BATS) 10/23/2013	HFD Arson Bureau Training
Vehicle Fire, Arson & Explosion Investigation Science 10/3/2013 & Technology Seminar	Certified as CFEI and CVFI Fire Investigator
Electrical Aspects of Fire Investigations 08/11-08/16-2013	FEMA National Fire Academy
Crisis Intervention and Treatment 02/22/2013	TMPA training course- HAB
Excited Delirium/ Sudden in Custody Death 02/22/2013	TMPA training course- HAB

GREG GORDON - NAFI-CFEI & CVFI, IAAI-CFI

State and Federal Law Update 02/19/2013	TMPA training course - HAB
Interview, Interrogation and Courtroom Testimony Course, 10/09-10/19-2012	FEMA National Fire Academy
Motive, Means and Opportunity: Determining Responsibility in an Arson Case, 06/21/2012	IAAI-CFI Training Program
Origin and Cause Report Writing, 06/15/2012	IAAI-CFI Training Program
Fire Investigations Update, 05/16/2012	HFD Arson Bureau Training
Effective Investigation and Testimony, 04/24/2012	IAAI-CFI Training Program
Ethics and the Fire Investigator, 04/15/2012	IAAI-CFI Training Program
"Critical Thinking Solves Cases", 04/01/2012	IAAI-CFI Training Program
MagneTek, A Case Study in the Daubert Challenge, 03/20/2012	IAAI-CFI Training Program
Explosion Dynamics, 01/04/2012	IAAI-CFI Training Program
Arson Investigations, Part II, 01/04/2012	HFD Arson Bureau Training
Arson Investigations, Part I, 01/03/2012	HFD Arson Bureau Training
Investigating Motor Vehicle Fires, 01/03/2012	IAAI-CFI Training Program
Cultural Awareness Seminar, 08/06/2009	HFD Arson Bureau Training
Cultural Awareness Seminar, 07/28/2009	HFD Arson Bureau Training
Arson Investigations, 07/20/2009	HFD Arson Bureau Training
Juvenile Offenders Seminar, 06/23/2009	HFD Arson Bureau Training
Health, Physical Fitness & Stress, 06/02/2009	HFD Arson Bureau Training
General Report Writing Seminar, 01/27/2009	HFD Arson Bureau Training
Photography II, 01/27/2009	HFD Arson Bureau Training
Photography I, 01/20/2009	HFD Arson Bureau Training
Law, 12/02/2008	HFD Arson Bureau Training
Sexual Harassment Recognition, 08/12/2008	HFD Arson Bureau Training
Civil Law, 08/12/2008	HFD Arson Bureau Training
Patrol Tactics, 08/11/2008	Houston Police Academy
Computer Operations, 07/09/2008	HFD Arson Bureau Training

GREG GORDON - NAFI-CFEI & CVFI, IAAI-CFI

Computer Operations, 03/31/2008	HFD Arson Bureau Training
Proficiency, 03/11/2008	HFD Arson Bureau Training
Communications/Operations, 12/03/2007	HFD Arson Bureau Training
9/11, 12/03/2007	HFD Arson Bureau Training
Criminal Investigation, 12/03/2007	HFD Arson Bureau Training
Management Supervision, 12/03/2007	HFD Arson Bureau Training
Terrorism and Special Threats, 12/03/2007	HFD Arson Bureau Training
Collection and Preservation of Evidence, 12/03/2007	HFD Arson Bureau Training
Technical Training, 10/17/2007	Harris County Sheriff's Academy
Legal Update, 09/10/2007	HFD Arson Bureau Training
Traffic Control Seminar, I and II, 04/20/2007	Houston Police Academy
Peace Officer Field Training Course, 03/20/2007	HFD Arson Bureau Training
Technical/Specialized Operations, 01/23/2007	Houston Police Academy
Basic Peace Officer Training, 01/22/2007	HCC Police Academy
Crisis Intervention Training, 01/22/2007	HCC Police Academy

EXHIBIT C

Newton Volunteer Fire Department

P.O. Box 982 Newton, Texas 75966

409-379-8134

Incident Report

Date 2/26/11 Notified by: ☒ Pager ☐ Phone ☐ Other: Time 1623 AM/PM

Time Arrived: 1634 Dismissed: 1845 Hours 2 Miles Traveled: 14

Response Type:

☐ Wild land Fire ☐ Vehicle ☐ Haz-Mat ☒ Structural Fire ☐ Medical ☐ Search & Rescue ☐ Other (explain)

Main Cause:

☐ Lighting ☐ Campfire ☐ Smoking ☐ Debris Burning ☐ Railroad ☐ Equipment Use Xc. m. k. s. m. s.

Fire Discovered By: Name Billy Reynolds 1109-224-0291

Address: 150 12029 Newton, TX

Ownership:

☐ Private ☐ Timber Company ☐ Other (explain)

Owner: Billy Reynolds 409-224-0291

Owners Address: 150 12029 Newton, TX

Insurance Information:

Agency: NO Policy # YES

Forcible Entry ☐ Door ☐ Window ☐ Roof ☐ Other 7 N 1A
Ventilation ☐ Door ☐ Window ☐ Roof ☐ Other

Extinguished By ☐ Booster ☐ Extinguisher ☐ Pumper ☐ Other

No. Hydrants Used 0 Hours Pump Worked 1 1/2 No. Of Lines Used 7
No. Units 12 No. Fireman 25 Injuries 3

Was this fire in your primary response area? ☐ YES ☐ NO

Total number of department / agencies responding: _____

Was Texas Forest Service involved in this response? ☐ YES ☐ NO

COMMENTS: Owner states that Dish TV box was on fire. msp
Newton Co trucks - 14 people Burner: Laporte 4 hrs
Forest Creek 2 trucks 5 people
Plus fire heater thought to start fire

SPECIAL NOTES FIRE SCENE OPERATIONS:

3 injuries - Billy Reynolds May Lou Reynolds Anne Westbrook
Transport by Ambulance
House total loss

Incident No. 2126-1

Chief Mark Kelly
SIGNATURE OF OFFICER IN CHARGE

374-8725
12-59
Capt. Melrose Fowler

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BILLY REYNOLDS AND MARY REYNOLDS	§	
	§	C.A. NO. 1:18-cv-00065-MAC
V.	§	
	§	JURY DEMAND
DISH NETWORK	§	AFFIDAVIT SUPPORTING
	§	MOTION FOR SUMMARY
V.	§	JUDGMENT
	§	
ASSOCIATED INSTALLATION GROUP, INC.	§	

AFFIDAVIT

My name is Danny Parker. I am the owner of Associated Installation Group, Inc. ("Associated").

I am competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. My statements are based on personal knowledge.

I have owned Associated since its formation. I have worked in the satellite dish installation business for 18 years.

Associated installed the Dish Network satellite in a location on the Reynolds' house that permitted alignment with the satellites carrying the Dish Network signals. The Dish satellite system installed at the Reynold's property used, in part, wiring that had been installed by a prior satellite provider, Direct TV, which is a common practice in the satellite installation industry. Associated installed a Dish satellite on the eaves of the Reynolds' house by using a "J" hook. The satellite dish ran to a "splitter" that allowed the satellite signal to be split and serve two receivers on the Reynolds' property. None of the wiring used by Associated to install the satellite system on the Reynolds' property carried an electrical charge. The two receivers installed on the Reynolds' property were new and plugged into a standard 110-volt outlet. Dish supplied the receivers and the satellite dish. The two receivers were plugged in to existing electrical outlets on the Reynolds' property and connected by coaxial cable to existing non-energized satellite TV outlets. Associated simply plugged in the receivers, connected the coaxial cable, aligned the satellite dish, and adjusted the receivers to obtain the satellite signals for the programming ordered for the Reynolds' property.

In 18 years of installing satellite television systems, I have never experienced an explosion from the installation of a satellite system. I have no knowledge of any of the materials and products used in the installation of satellite systems presenting an explosion risk. I have never experienced

Danny Parker Affidavit for MSJ 1

a fire risk from the installation materials used to install satellite systems. Associated does not design, manufacture, or prepare the warnings for the satellite equipment it installed at the Reynolds' property. Associated did not modify or alter in any way the equipment it installed at the Reynolds' property or the warnings given with the equipment. Associated supplied the warnings that come with the Dish Network equipment to the Reynolds, when Associated installed the equipment.

I am the custodian or otherwise qualified person of the documents attached to and incorporated in this affidavit. The attached documents are kept by Associated in the regular course of business, and it was the regular course of business of Associated for an employee or representative of BBA, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original.

Signed this _____ day of _____, 2019.

Danny Parker

SWORN TO and SUBSCRIBED before me by Danny Parker on the _____ day of _____, 2019.

Notary Public in and for the
State of Texas

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BILLY REYNOLDS AND MARY REYNOLDS	§	
	§	C.A. NO. 1:18-cv-00065-MAC
V.	§	
	§	JURY DEMAND
DISH NETWORK	§	AFFIDAVIT SUPPORTING
	§	MOTION FOR SUMMARY
V.	§	JUDGMENT
	§	
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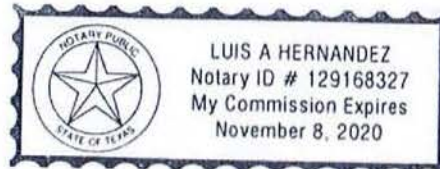
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Limited Warranty

This Limited Warranty is a legal document. Keep it in a safe place. Remember to retain your Bill of Sale for warranty service! Any items returned without a copy of the Proof of Purchase will be considered out of warranty.

What the Warranty Covers

This warranty extends only to the original user of the equipment and is limited to the purchase price of each part. DISH Network L.L.C. and its affiliated companies ("DISH") warrant this system against defects in materials or workmanship as follows:

- **Labor:** For a period of one (1) year from the original date of purchase, if DISH determines that the equipment is defective subject to the limitations of this warranty, it will be replaced at no charge for labor. DISH warrants any such work done against defects in materials or workmanship for the remaining portion of the original warranty period.
- **Parts:** For a period of one (1) year from the original date of purchase, DISH will supply, at no charge, new or remanufactured parts in exchange for parts determined to be defective subject to the limitations of this warranty. DISH warrants any such replacement parts against defects in materials or workmanship for the remaining part of the original warranty period. Note: "Parts" means items included in this package, which may include the satellite dish assembly, receiver, LNBF, remote control, power supply, or dish mounting hardware. It does not include other parts purchased separately.

What the Warranty Does Not Cover

This warranty does not cover installation of the system. If applicable, such installation will be warranted under a separate installation agreement.

This warranty does not cover consumer instruction, physical setup or adjustment of any consumer electronic devices, remote control batteries, signal reception problems, loss of use of the system, or unused programming charges due to system malfunction.

This warranty does not cover cosmetic damage, damage due to lightning, electrical or telephone line surges, battery leakage, fire, flood, or other acts of Nature, accident, misuse, abuse, repair or alteration by other than authorized factory service, use of accessories not recommended by the receiver manufacturer, negligence, commercial or institutional use, or improper or neglected maintenance.

This warranty does not cover equipment sold AS IS or WITH ALL FAULTS, shipping and handling, removal or reinstallation, shipping damage if the equipment was not packed and shipped in the manner prescribed, nor equipment purchased, serviced, or operated outside the continental United States of America.

mydish.com/chat • 1-800-333-DISH (3474)

Limited Warranty (cont.)

Legal Limitations

REPLACEMENT AS PROVIDED UNDER THIS WARRANTY IS YOUR EXCLUSIVE REMEDY. DISH NETWORK SHALL NOT BE HELD LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR BREACH OF ANY EXPRESSED OR IMPLIED WARRANTY ON THIS SYSTEM, NOR FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OF, OR INABILITY TO USE, THIS SYSTEM. SOME STATES MAY LIMIT OR EXCLUDE THE FOREGOING LIMITATION, SO THE ABOVE EXCLUSION OR LIMITATION MAY NOT APPLY TO YOU. EXCEPT TO THE EXTENT PROHIBITED BY APPLICABLE LAW, UNDER NO CIRCUMSTANCES SHALL DISH NETWORK'S LIABILITY, IF ANY, EXCEED THE PURCHASE PRICE PAID FOR THIS SYSTEM. ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ON THIS SYSTEM IS LIMITED IN DURATION TO THE PERIOD OF THIS WARRANTY. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG A STATUTORY OR IMPLIED WARRANTY LASTS, SO THE ABOVE LIMITATION MAY NOT APPLY TO YOU. DISH NETWORK RESERVES THE RIGHT TO REFUSE TO HONOR THIS WARRANTY IF DISH NETWORK DETERMINES ANY OF THE ABOVE EXCEPTIONS TO HAVE CAUSED THIS SYSTEM. NOT TO HAVE PERFORMED PROPERLY. THIS WARRANTY SHALL BE VOID IF ANY FACTORY-APPLIED IDENTIFICATION MARK, INCLUDING BUT NOT LIMITED TO SERIAL OR CONDITIONAL ACCESS NUMBERS, HAS BEEN ALTERED OR REMOVED. THIS WARRANTY SHALL ALSO BE VOID IF THE RECEIVER HAS BEEN OPENED BY AN UNAUTHORIZED PERSON.


If You Need Assistance

1. Call the Customer Service Center at 1-800-333-DISH (3474). Have the date of purchase and either your customer account number, the receiver conditional access number, or the receiver model number ready. Display the System Info screen to find these numbers.
2. A Customer Service representative will assist you. If the Representative determines that you should return any equipment, you will be directed to call a Return Authorization representative. Before shipping any equipment, you must talk to a Return Authorization representative and must obtain a Return Authorization (RA) number.
3. You will be given the appropriate address for which to return your equipment. Whether under warranty or not, you will be responsible for the cost of shipping back the defective equipment. For faster service, see the Advance Exchange Program on the next page.
4. Returned equipment must be packaged properly, using either the original shipping materials or the packaging in which the replacement equipment is shipped. Include a copy of the Bill of Sale. Any items returned without a copy of the Proof of Purchase will be considered out of warranty. Follow the instructions given to you by the Customer Service representative.
5. Write the RA number in large, clearly visible characters on the outside of the shipping box that you use to return the equipment. To avoid confusion and misunderstandings, shipments without an RA number clearly visible on the outside of the box will be returned to you at your expense.


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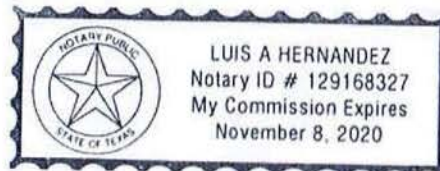
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This warranty does not cover equipment sold AS IS or WITH ALL FAULTS, shipping and handling, removal or reinstallation, shipping damage if the equipment was not packed and shipped in the manner prescribed, nor equipment purchased, serviced, or operated outside the continental United States of America.

mydish.com/chat • 1-800-333-DISH (3474)

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